

SENATE BILL 2816
By Henry

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 8,
relative to certain state regulatory agency employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by
adding the following language as a new, appropriately designated section thereto:

(a) As used in this section, unless the context otherwise requires, "state
regulatory employee" means an employee or compensated independent contractor of
any of the following state agencies:

(1) The department of agriculture or any boards or commissions affiliated
with that department;

(2) The department of financial institutions or any boards or commissions
affiliated with that department;

(3) The department of environment and conservation or any boards or
commissions affiliated with that department;

(4) The department of economic and community development or any
boards or commissions affiliated with that department;

(5) The department of employment security or any boards or
commissions affiliated with that department;

(6) The department of human services or any boards or commissions
affiliated with that department;

(7) The department of commerce and insurance or any boards or
commissions affiliated with that department;

(8) The department of labor and workforce development or any boards or
commissions affiliated with that department;

(9) The department of mental health and developmental disabilities or any boards or commissions affiliated with that department;

(10) The department of health or any boards or commissions affiliated with that department;

(11) The department of revenue or any boards or commissions affiliated with that department;

(12) The department of safety or any boards or commissions affiliated with that department;

(13) The department of tourist development or any boards or commissions affiliated with that department;

(14) The department of transportation or any boards or commissions affiliated with that department;

(15) The department of veterans' affairs or any boards or commissions affiliated with that department;

(16) The department of children's services or any boards or commissions affiliated with that department; or

(17) The Tennessee film, entertainment and music commission.

(b) No state regulatory employee shall be employed or compensated on a part-time or full-time basis for any work performed for persons other than the state regulatory employee's employer agency if the outside employment is related to the scope of duties which the state regulatory employee performs for the employer agency. This prohibition on outside employment or compensation applies to any compensation received or work performed in either an individual capacity or as a member or owner of any corporation, partnership, limited liability company or other business enterprise. The commissioner of the department for which the state regulatory employee works or with which the state regulatory employee's employing board or commission is affiliated shall decide whether any outside employment or compensation is related to the state regulatory employee's scope of duties and shall issue the decision in writing. For state regulatory employees who are engaged in outside employment as of July 1, 2004, those employees shall have

a reasonable time not to exceed two (2) weeks from the date of a written decision finding that the outside employment relates to the state regulatory employee's scope of duties to terminate the outside employment. On or after July 1, 2004, a state regulatory employee must petition the commissioner for a decision related to the scope of employment duties prior to entering into any outside employment.

(c) A violation of this section is immediate cause for termination of the state regulatory employee.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it